

REMARKS

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Schram et al. and Matulic-Adamic et al., and claims 1 and 5-7 by Takasuki et al. Claims 1-4 have been amended to recite methods for treating infections caused by herpesviridae and poxviridae and no longer recited compounds. Claims 5-7 have been canceled. Reconsideration and withdrawal of the rejection of claims 1 and 2 under 102(b) in view of the foregoing amendments is respectfully requested.

Claims 5-7 are rejected under 35 U.S.C. 112, first paragraph, as not enabled for all viruses. Claims 5-7 have been canceled.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. The Examiner points out in claim 1 if the X group is replaced by N only, there will be a valence problem. Applicant appreciates the attention of the Examiner in this regard and has amended claim 1 to recite that X is selected from the group consisting of O, NH, and S. With regard to claim 2, the Examiner asserts that there is no antecedent basis for R₃ and R₄ being OAc or OBn. With respect to OAc, new claim 10 has been added. This ground of rejection with respect to OBn is respectfully traversed. OBn is shorthand for an oxygen atom joined to a benzene ring. Antecedent basis is provided for an O-benzene ring group in claim 1 by the recitation of "O-aryl" for both R₃ and R₄. An "aryl" group is defined as a group based on a benzene ring structure. With regard to the rejections of claims 3 and 4, claim 1 has been amended to provide antecedent basis for R₁ and R₂ forming a ring and for R₃ and R₄ forming a ring and claims 3 and 4 have been amended to make it clear that additional compounds are being claimed. Reconsideration and withdrawal of this rejection of claims 1-4 in view of the foregoing amendments and these remarks is respectfully requested.

Claim 9 has been added to recite a specific poxviridae, namely Vaccinia.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully

submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1-4 and 8-10 are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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